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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/654,487	09/04/2003	Abraham Thijssen	0142-0433P	5210
2292 7590 01/24/2007 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			EXAMINER MAHMOOD, REZWANUL	
			ART UNIT 2164	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		NOTIFICATION DATE	DELIVERY MODE	
3 MONTHS		01/24/2007	ELECTRONIC	

Please find below and/or attached an Office communication concerning this application or proceeding.

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mailroom@bskb.com

Office Action Summary	Application No. 10/654,487	Applicant(s) THIJSSSEN ET AL.	
	Examiner Rezwanul Mahmood	Art Unit 2164	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in reply to the communication filed on October 30, 2006.

Response to Amendment

2. Claims 1-20 are pending in this office action.
3. In view of the amendment filed on 10/30/2006, the objections to the drawings and the title of the invention have been withdrawn.

Response to Arguments

4. Applicant's arguments filed on 10/30/2006 have been fully considered but they are not persuasive for the following reasons:

Applicant argues that Chiba does not teach or even suggest the features "this feature is achieved automatically without user involvement", "conversion measures are carried out by the system automatically", "first, assessing quantitative physical storage constraints associated with storing the managed data", "second, assessing quantitative physical converting constraints associated with converting the stored managed data from the source representation to the presentation", "executing the converting before said storing and/or said storing, respectively, on a dynamic tradeoff basis between the first assessment and said second assessment, while further considering one or more applicable source profiles and one or more applicable destination profiles", and "making a dynamic tradeoff by the system which is executed by consulting a rule base".

Examiner respectfully disagrees all of the allegations as argued. Examiner, in his

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previous office action, gave detail explanation of claimed limitation and pointed out exact locations in the cited prior art.

Examiner is entitled to give claim limitations their broadest reasonable interpretation in light of the specification. See MPEP 2111 [R-1]

Interpretation of Claims-Broadest Reasonable Interpretation:

During patent examination, the pending claims must be 'given the broadest reasonable interpretation consistent with the specification.' Applicant always has the opportunity to amend the claims during prosecution and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. *In re Prater*, 162 USPQ 541,550-51 (CCPA 1969).

In response to applicant's argument with respect to independent claim 1, that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "this feature is achieved automatically without user involvement", "conversion measures are carried out by the system automatically") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In independent claims 1 and 18, the applicant claims "physically managing data/information that represents a document for eventual presentation to a user". Thus applicant's argument that "this feature is achieved automatically without user involvement" or "conversion measures are carried out by the system automatically" is a contradiction to the feature of physically managing data.

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Chiba teaches in Column 2 lines 33-39, Column 4 lines 5-12, and Figures 2A-3, receiving specification from the user regarding data to be transferred and the conversion form that the data will be converted to, the converted data to be stored in a data storage unit. Chiba teaches in Column 3 lines 1-5 and Figure 2A-3, that the data is transferred and converted at the same time by simultaneously receiving the data to be transferred and its conversion form and eventually stored after the conversion has taken place (Chiba: Column 7, lines 56-62; Figures 3-4). During this user specified process storage and conversion constraints are assessed.

For the above reasons, Examiner believed that rejection of the last Office action was proper.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Chiba (US Patent 6,651,120).

7. With respect to claim 1, Chiba discloses a managing method for physically

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managing data that represents a document for eventual presentation to a user, based on said data, which comprises the steps of:

acquiring the data from an appropriate document source in a source representation (Chiba: Column 1, lines 17-26; Figure 10),

selectively converting the data in source representation to data in destination representation, while selectively storing in a database managed data in an intermediate representation (Chiba: Column 2, lines 40-47; Item 18 in Figure 10),

first, assessing quantitative physical storage constraints associated with storing the managed data (Inherently while storing the managed data, storage constraints will be assessed),

second, assessing quantitative physical converting constraints associated with converting the stored managed data from the source representation to the presentation (Chiba: Column 2, lines 40-47), and

executing the converting before said storing, and/or after said storing, respectively, on a dynamic trade-off basis between said first assessment and said second assessment, while further considering one or more applicable source profiles and one or more applicable destination profiles (Chiba: Column 2, lines 55-60).

8. With respect to claim 2, Chiba discloses the method of claim 1, further comprising the steps of:

third, assessing the quantitative physical transfer constraints associated with transferring the managed data over a transfer facility of an applicable distributed

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system, and in said execution providing a further dynamic trade-off basis through the application of the third assessment (Chiba: Item 14 in Figure 10; To transfer data, inherently some transfer constraints are assessed).

9. With respect to claim 3, Chiba discloses the method of claim 1, wherein the document essentially relates to an image (Chiba: Column 1, lines 17-21).

10. With respect to claim 4, Chiba discloses the method as claimed in claim 1, wherein the quantitative physical storage constraints are based on storage space availability, the quantitative physical converting constraints are based on destination delay allowability, and the quantitative physical transfer constraints are based on transfer facility availability and/or transfer duration (It is inherent that physical constraints will include storage space allowability, converting constraints will include delay in converting unit and wait time in destination before the action is terminated, and transferring constraints which will depend on the transfer mode or availability).

11. With respect to claim 5, Chiba discloses the method of claim 4, wherein the quantitative physical converting constraints and/or the quantitative physical transfer constraints are based on a quality-of-service metric (It is inherent to compare the delay or transfer speed, the data must be compared with some metric by which it will be decided if the condition is positive or negative).

12. With respect to claim 6, Chiba discloses the method of claim 2, wherein the quantitative physical storage constraints, the quantitative physical converting constraints, and the quantitative physical transfer constraints are made comparable through assigning to the respective constraints appropriate absolute values of a cost metric (As described in the above claim, inherently the constraints are compared with a metric).

13. With respect to claim 7, Chiba discloses the method of claim 1, executed by consulting a rule base (Chiba: Item 19 in Figure 10).

14. With respect to claim 8, Chiba discloses the method of claim 1, wherein the converting is effected through a sequence of sub-conversions to produce one or more intermediate representations which are stored in lieu of storing an eventual destination representation (Chiba: Column 4, lines 39-45).

15. With respect to claim 9, Chiba discloses the method of claim 1, wherein available storage space is optimally assigned to the storing of various documents in various representations for future user requests for image presentations (Chiba: Column 4, lines 39-45; Column 5, lines 43-48).

16. With respect to claim 10, Chiba discloses the method of claim 9, wherein coexistent storage of a particular document in a plurality of different representations is

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provided (Chiba: Figure 10; Figure 15; Here it is disclosed that data can be converted to multiple formats and stored).

17. With respect to claim 11, Chiba discloses the method of claim 1, wherein document data is maintained in the database, governed by one or more persistency rules (Chiba: Figure 10; Figure 15; Here data is maintained in a storage with one or more persistency rules, the storage inherently can also be a database).

18. With respect to claim 12, Chiba discloses the method of claim 1, wherein document data in the database is governed by one or more garbage collection rules (Chiba: Figure 10; Here data is stored for use, once the use for the data ends, it can inherently be removed to make room for new data. This removal can be governed by one or more garbage collection rules).

19. With respect to claim 13, Chiba discloses the method of claim 1, wherein further image presentation is allowed in a thumbnail version (Chiba: Item 20 in Figure 10 discloses a display unit for image data in various representation, inherently one of the representations can be a standard thumbnail version if there are multiple image data for display).

20. With respect to claim 14, Chiba discloses the method of claim 1, wherein a source device is substantially uniformly operated at its highest possible image

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presenting quality level (Chiba: Item 31 in Figure 8 is a resolution converting unit which can present the image data in highest possible quality level).

21. With respect to claim 15, Chiba discloses the method of claim 1, wherein a source device is operated at an image processing level quality that is at least co-determined by the eventual requirements associated with an intended user device and/or application (Chiba: Column 8, lines 56-63).

22. With respect to claim 16, Chiba discloses the method of claim 1, wherein an application to invoke a remote server facility is provided through a remote interface (Chiba: Figure 10; Figure 15; Here data can be transferred to a remote storage through network interface).

23. With respect to claim 17, Chiba discloses the method of claim 1, which comprises, providing for operation with multiple users, a data consistency maintained through an appropriate locking mechanism (If multiple users operate at the same time, inherently a locking mechanism can be present to maintain data conversion and transfer integrity).

24. With respect to claim 18, Chiba discloses a management system for physically managing information that represents a document for eventual presentation to a user, based on said data and provided by a destination profile, which comprises:

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acquiring means for acquiring said information from an appropriate document source in a source representation (Chiba: Column 1, lines 17-26; Figure 10),

converting means for selectively converting data in source representation to data in destination representation (Chiba: Column 2, lines 40-47; Item 18 in Figure 10),

storing means for selectively storing, in a database, managed data as an intermediate item of said management system (Chiba: Column 2, lines 55-60),

assessing means for assessing first quantitative physical storage constraints associated with storing said managed information, second quantitative converting constraints associated with converting said stored data in source representation to said data in destination representation and third quantitative physical transferring constraints associated with transferring said managed data over a transfer facility (Chiba: Column 2, lines 40-47; Figure 10; Inherently while storing the managed data, storage constraints will be assessed; Item 14 in Figure 10; To transfer data, inherently some transfer constraints are assessed), and

execution means for executing said converting before said storing, and/or after said storing and/or after said transferring, on a dynamic trade-off basis, produced by said assessing means (Chiba: Column 2, lines 55-60).

25. With respect to claim 19, Chiba discloses the system of claim 18 comprising one or more source facilities, and one or more destination facilities linked with each other through a transfer facility for the physical managing of information contained in a database facility and a server facility (Chiba: Figure 10; Figure 15).

26. With respect to claim 20, Chiba discloses a computer program containing a set of instructions which, when used in a general-purpose computer, performs the managing method of claim 1 (Chiba: Figure 10; Figure 15; Figure 16).

Conclusion

27. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

28. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Kawabata reference (US Publication 2004/0047510) teaches about a method of producing publications. The Nelson reference (US Patent 6,732,915) teaches about controlling a presentation. The Okada reference (US Patent 5,956,029) discloses a user interface conversion method. The Pallmann reference (US Patent 6,094,684) teaches about an apparatus for data communication.

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Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rezwanul Mahmood whose telephone number is (571)272-5625. The examiner can normally be reached on M - F 10 A.M. - 5 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on (571)272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Rezwanul Mahmood
Examiner
Art Unit 2164

January 18, 2007



SHAHID ALAM
PRIMARY EXAMINER